

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

27506

FILE: B-212642

DATE: February 23, 1984

MATTER OF: Dale T. Coggeshall

DIGEST:

An employee seeks reimbursement for shipment of an automobile to his new duty station in Hawaii. Shipment at Government expense was not authorized at time of transfer and the employee shipped his automobile at personal expense. An appropriate official at the new duty station authorized shipment of the automobile, and his travel authorization was amended to include this entitlement. However, this amendment to the travel orders was not based upon a new determination of necessity but rather was an attempt to change a determination previously made by an authorized official. Under the general rule that legal rights and liabilities are established at the time authorization is issued and the travel is performed and may not be modified at a later date to increase or decrease travel allowances, payment based on the amendment after the transportation took place is not authorized.

By letter of August 5, 1983, an authorized certifying officer with the Fish and Wildlife Service, Department of the Interior, requested an advance decision on the claim of Mr. Dale T. Coggeshall for reimbursement of the cost of shipping his automobile from the conterminous United States to Hawaii incident to change of duty station. We find that Mr. Coggeshall was not properly authorized shipment of a privately owned vehicle and may not be reimbursed for expenses.

Mr. Coggeshall, an employee of the Fish and Wildlife Service, was selected for the position of Pacific Islands Administrator in February 1979 and transferred from Newton Corners, Massachusetts, to Honolulu, Hawaii, effective April 22, 1979. He was informed that Fish and Wildlife policy precluded the shipment of a privately owned vehicle overseas, and his travel authorization dated March 2, 1979, did not include authority for shipment of a vehicle at Government expense. Mr. Coggeshall shipped his car at personal expense.

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Upon his arrival in Hawaii he learned that the Fish and Wildlife Service did ship automobiles overseas, and at his request the Acting Regional Director in a memorandum dated July 26, 1979, authorized transportation of his vehicle at Government expense. His travel authorization was amended to authorize shipment of a privately owned vehicle and "to correct an error made by the Region and Bureau on interpreting the policy of allowing shipment of a privately owned vehicle to or from Hawaii at Government expense."

Apparently the Fish and Wildlife Service paid for shipment of the automobile, but on September 17, 1980, Mr. Coggeshall received a bill for \$403.96, predicated on the statement that the payment of shipment for his automobile had not been approved and had been certified in error. He paid and also appealed the bill of collection. On December 5, 1980, the Acting Assistant Director for Administration disallowed his appeal stating "travel orders may not be revoked or modified retroactively so as to increase or decrease the rights and benefits which have become fixed under the applicable statutes and regulations." He also noted that Department of the Interior policy was that privately owned vehicles should be shipped overseas at Government expense only in rare instances.

It appears that Regional Directors of the Fish and Wildlife Service are authorized to make the determination necessary for the shipment of employee's vehicles overseas at Government expense. However, it is our opinion that the action of July 26, 1979, by the Acting Regional Director authorizing the shipment of Mr. Coggeshall's vehicle was an attempt to reverse the determination previously made denying shipment of the automobile at Government expense.

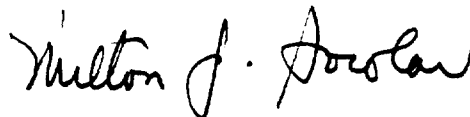
The authority to ship privately owned vehicles at Government expense is derived from subsection 5727(b) of title 5, United States Code, as implemented by Part 10, Chapter 2 of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973, as amended, applicable at the time of Mr. Coggeshall's transfer). The statute and regulations provide for shipment of an employee's automobile between the conterminous United States and an overseas duty station when the head of the agency concerned, or his designee, determines that it is in the interest of the Government for the employee to have the use of a motor vehicle at the post of duty.

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It is well established that the legal rights and liabilities concerning travel allowances are established at the time the travel is performed under the travel orders and the orders may not be revoked or modified retroactively so as to increase or decrease the rights which have become fixed under the applicable statutes or regulations. We have held that exceptions to the rule may be made when an error is apparent on the face of the orders and all facts and circumstances clearly demonstrate that some provision previously determined and definitely intended has been omitted through error or inadvertence in preparing the orders. Matter of Moy, B-192445, November 6, 1978, and cited cases.

In this regard, a reevaluation of an individual's situation and of a previously made determination concerning the shipment of a privately owned vehicle overseas does not create an exception to this basic rule. Nor does it afford a basis for an employee to claim this allowance when it was not authorized in his travel orders or before he performed the travel to the new station. See Matter of Phipps, B-186578, January 3, 1977, and Matter of Moy, cited above.

Accordingly, Mr. Coggeshall's claim for reimbursement for the expense of shipping his vehicle to Hawaii must be denied.



Acting Comptroller General
of the United States